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OFFICE OF PETITIONS

ON PETITION

In re Application of
Wah Yiu Kwong et al.
Application No. 10/020,701
Filed: December 12, 2001
Attorney Docket No: ITL0681US(P12999)

This is a decision on the petition to withdraw the holding of abandonment, filed March 5, 2007, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on October 19, 2006, for failure to file a timely response to the Final Office Action mailed July 18, 2006, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed February 9, 2007. Petitioner asserts that the Final Office Action was never received.

The file record discloses that the Office Action was mailed to the address of record which is the same address used on all correspondences from the USPTO including the Notice of Abandonment. Petitioner has provided a copy of the case history which is generated from the docketing program to show that the Office Action mailed July 18, 2006 was not received. Petitioner also explains that after searching the file and docket records, where receipt of the office action would have been indicated if it had been received, it was concluded that no correspondence was received for this matter from the USPTO.

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the Final Office Action mailed July 18, 2006, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

In view of the facts set forth in the petition, it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

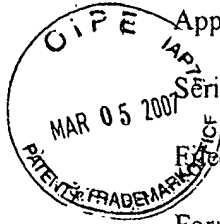
This matter is being referred to Technology Center 2136 for a re-mailing of the Final Office Action and for a restarting of the period for response.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: WAH YIU KWONG ET AL.

Serial No.: 10/020,701

Filed: December 12, 2001

For: Providing A User Input Interface Prior
To Initiation Of An Operating System

§ Group Art Unit: 2136

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Examiner: Ronald Baum

Atty. Dkt. No.: ITL.0681US (P12999)

Mail Stop Petitions
Commissioner for Patents
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PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

I hereby petition to withdraw the holding of abandonment in this case, on the basis of non-receipt of an Office Action dated July 16, 2006.

I hereby state:

1. We received a Notice of Abandonment dated February 9, 2007.
2. I have conducted a search of the file jacket and docket records and both indicate that a an Office Action dated July 16, 2006 was not received. Attached is a printout of the Case History which was generated from our docketing program which indicates that no Office Action was received.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

Please charge the petition fee (37 C.F.R. § 1.17(h)) and any fee deficiency to Deposit Account No. 20-1504 (ITL.0681US) or credit this account for any overpayment.

Respectfully submitted,

Date: 2/25/2007
33/06/2007 NOEXCHN 00000000 201504 10020701
U. FC:1464 130.00 DA

Timothy N. Trop
Timothy N. Trop, Registration No. 28,994
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(713) 468-8880 [Phone]; (713) 468-8883 [Fax]

Date of Deposit: February 28, 2007
I certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Sherry Tipton
Sherry Tipton